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**Subject:** Draft notes from Cal-DPR meeting  
**Date:** Monday, July 23, 2018 7:25:34 PM  
**Attachments:** [PROP 65 CAL DPR MTG Notes.docx](#)

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Hi All, Here are the draft notes from the EPA/Cal-DPR meeting. Please let me know if you have any corrections before sharing with DPR. Thanks!

## Notes from PROP 65 CAL-DPR and EPA Meeting

July 18, 2018

### Agenda – Exploring solutions

#### 1. *Introductions of participants on the call*

Ann Prichard (Cal-DPR)  
Jolynn Mohmoudi-Haeri (Cal-DPR)  
Jill Townzen (Cal-DPR)  
Daniel Rubin (Cal-DPR)  
Erin Koch (EPA/OGC)  
Bob Perlis (EPA/OGC)  
Mike Goodis (OPP/RD)  
Diane Isbell (OPP/AD)  
Debra Rate (OPP/RD)  
Kay Montague (OPP/RD)  
Dan Rosenblatt (OPP/RD)

Rachel Holloman (OPP/RD)

#### 2. *Understanding the problem from different perspectives*

**EPA** - insufficient resources to do work, statement could be false and misleading, and non-FIFRA item on the label

**Cal-DPR** – submissions on hold, registrants calling, and not a DPR requirement

#### 3. *Possible paths forward*

##### a. Not on label at all must use one of OEHHA's other places for notice.

This is the best choice for EPA. No more concerns about the potential for false and misleading statements associated with PROP 65 and no resources put towards this state specific effort.

##### b. Non-Notification (DPR suggestion PRN 98-10 revision)

All agreed it gets EPA out of doing any work. The Agency is concerned that the Prop 65 label language put on by California

could be false and misleading. A non-notification would not present the concern of false and misleading when based on EPA review(s). This link to [The Proposition 65 List](#) provides the source of the review. You must scroll down the page to see the list.

c. Disclaimer - State box on label/wording (EPA)

Disclaimer language must not be false or misleading. EPA/OGC stated that referring people to OEHHA's Prop 65 website maybe acceptable.

d. Delegation to the State – Is it possible? (DPR)

FIFRA does not have delegated authority to the states. Other statutes, such as Clean Water Act and Clean Air Act have the possibility to delegate to the State.

e. Place Prop 65 stickers on labels (EPA).

Anything on the product container becomes part of the label.

f. Keep doing what we did in the past.

This does not work for EPA because of resource, potential approval of false and misleading language of the label and it is a non-FIFRA.

4. *Comments to OEHHA Proposal Amendments to Article 6 Clear and Reasonable Warnings Section*

All comments are publicly available on the link below.

<https://oehha.ca.gov/proposition-65/comments/comment-submissions-article-6-pesticide-exposure-warnings-section-25603>

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